

REVISED
EXECUTIVE OFFICER SUMMARY REPORT
March 12, 2008

ITEM: 5

SUBJECT: NPDES Permit Reissuance: General Waste Discharge Requirements for Discharges of Groundwater Extraction Waste to Surface Waters within the San Diego Region Except for San Diego Bay. (NPDES No. CAG919002, Tentative Order No. R9-2008-0002) (Vicente Rodriguez)

PURPOSE: The Regional Board will consider whether to adopt general waste discharge requirements (WDRs) and an NPDES Permit for the discharge of extracted groundwater waste to Surface Waters within the San Diego Region Except for San Diego Bay.

PUBLIC NOTICE: A notice soliciting public input on Tentative Order No. R9-2008-0002 was posted on the Regional Board website on February 5, 2008 and published in the San Diego Union-Tribune, The Press-Enterprise, and The Register on February 8, 2008. The written comment period ended on March 5, 2008 and the oral comment period ends at the close of the public hearing, expected to occur at the March 12, 2008 meeting.

DISCUSSION: This Order, if adopted, would reissue general WDRs and an NPDES permit regulating the discharge of groundwater extraction waste to Surface Waters within the San Diego Region Except for San Diego Bay (see Supporting Documents Nos. 1 and 2), from all construction groundwater extraction, and similar waste discharges.

The Regional Board has regulated the discharge of groundwater extraction waste to surface waters within the San Diego Region except San Diego Bay, since 1991 with adoption of an NPDES Permit (Order No. 91-10). The Order was reissued in 1996 (Order No. 96-41) and most recently in 2001 (Order No. 2001-96). The most recent Order expired September 14, 2006, but is administratively extended until adoption of tentative Order No. R9-2008-0002.

Order No. 2001-96 regulates groundwater extraction discharges to Surface Waters within the San Diego Region Except for San Diego Bay. The types of projects that are regulated include: subsurface excavations that require dewatering (for example: foundation, tunneling, and footings) and remediation projects that utilize pumping and treating of ground water prior to discharge to the surface. There are approximately 50 projects regulated under the permit at any one time.

This permit does allow for permanent discharges unlike the San Diego Bay ground water extraction permit Order No. R9-2007- 0034.

~~The Regional Board has not received any written comments to date. If any comments are received prior to the second mailing, the Regional Board will be provided copies of the comments, Regional Board responses to comments, and errata sheet in the second mailing.~~

No written comments were received.

A Revised Tentative Order with “underline/strikeout” has been prepared. This revision makes some grammatical, reference, and other minor wording changes noted since the draft was released for public review. These changes are reflected in Supporting Document No. 3.

Notification of the changes were mailed to interested parties by letter dated March 7, 2008 (Supporting Document No. 4)

KEY ISSUES: None.

LEGAL CONCERNS: None.

SUPPORTING
DOCUMENTS:

1. Location Map
2. Tentative Order No. R9-2007-0032, with attachments
3. **Revised Tentative Order No. R9-2007-0032 with “underline/strikeout”**
4. **Transmittal Letter dated March 7, 2008**

SIGNIFICANT
CHANGES:

Below are the significant changes from the existing Order No. 2001-96.

1. The tentative Order has a new look based on a new statewide template for NPDES requirements. While each region is unique, there are many aspects of NPDES permits that can be standardized. Since 2004, staffs of the State and Regional Boards, along with USEPA's contractor, have embarked on standardizing NPDES permits in the State.
2. The Notice of Intent (application) has been revamped to streamline Regional Board staff review of the information needed to make a determination of enrollment without delays to request additional information.
3. The new Order establishes tiered permitting, with dischargers ranked into three broad categories: 1) those requiring treatment of priority pollutants to meet water quality standards are classified as the highest level; 2) those that require or may require treatment, but include only non-priority pollutants, to meet water quality standards are classified as the moderate level; and 3) those discharges that are low flow and no treatment is needed to meet water quality standards are classified as the lowest level.
4. Effluent limits for priority toxic pollutants in the tentative requirements are derived from applicable water quality objectives contained in the California Toxics Rule (CTR) 40 CFR 131.38 following the model-based procedure in the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, 2005 (State Implementation Policy or SIP), rather than being set at the values listed CTR tables.
5. The new Order will require applicants to first receive approval from the municipality with jurisdiction over the storm water conveyance system (MS4) prior to discharger enrollment in the Order. Previously the Order only required notification to the municipality of the discharge.
6. The new Order clarifies that only those discharges will be approved that have no other technically and economically feasible alternatives for disposal of the wastewater. Currently the Regional Board enrolls dischargers without considering

alternatives. By considering other feasible alternatives, such as discharge directly into the sanitary sewer system, fewer projects may need to discharge into surface waters.

COMPLIANCE HISTORY: Currently there are two enrollees in the extraction permit 2001-096 with outstanding violations: Mission Valley Terminals and San Diego County Water Authority. These violations are currently under investigation to determine the appropriate follow-up.

Since the year 2001, the Regional Board has imposed Administrative Civil Liability approximately a dozen times against dischargers that violated effluent limitations contained in the current permit Order No. 2001-0096.

RECOMMENDATION: The adoption of the revised tentative Order No. R9-2008-0002 is recommended.